

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:20-cv-00023

Jonathan DeWayne Stephen, Jr.,
Plaintiff,

v.

East Texas Medical Center, Palestine et al.,
Defendants.

ORDER

Plaintiff Jonathan DeWayne Stephen, Jr., proceeding pro se and in forma pauperis, filed this lawsuit pursuant to 42 U.S.C. § 1983. Doc. 7. On January 21, 2020, this case was referred United States Magistrate Judge K. Nicole Mitchell. Doc. 3.

Judge Mitchell entered a report and recommendation that this case be dismissed for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915(e)(2). Doc. 10. Plaintiff filed objections to the report. Doc. 11. However, because his objections reiterate arguments made in his original complaint, they are meritless. *See Nettles v. Wainwright*, 656 F.2d 986, 987 (5th Cir. 1981) (“It is reasonable to place upon the parties the duty to pinpoint those portions of the magistrate’s report that the court must specially consider.”)

As there is no clear error on the record, the court **adopts** the report and recommendation of the magistrate judge. Plaintiff’s claims against the Palestine Police Department and Unknown Ambulance Drivers #1 and #2 are **dismissed with prejudice**. Plaintiff’s claims against the East Texas Medical Center—Palestine are **dismissed without prejudice** for lack of subject matter jurisdiction. Plaintiff’s claims against Officers Rodriguez, Smith, and Unknown Officer #3 are **dismissed as malicious** pursuant to 28 U.S.C. § 1915(e)(2)(B).

So ordered by the court on September 22, 2020.



J. CAMPBELL BARKER
United States District Judge